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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/650,373	08/28/2003	David J. Mansfield	D-4097C	7662

7590

09/30/2004

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EXAMINER

ROSE, ROBERT A

ART UNIT

PAPER NUMBER

3723

DATE MAILED: 09/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/650,373	MANSFIELD ET AL.	
	Examiner	Art Unit	
	Robert Rose	3723	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>8/28/03(2pgs)</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-19 are presented for examination.
2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 3-4, 7-11, 13, and 16-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Johnston in view of Vosbikian. Johnston discloses a sanding system comprising substantially all of the subject matter set forth in applicant's claims above, except for the recitation of the retaining means having a plurality of projections to pierce the sides of the deformable pad through the groove in the pad. Note in figures 1-9: rectangular backing plate(12); handle(11); deformable sanding pad(20) with grooves formed along it's sides; and retaining means(16)(16a) with L-shaped cross-section. projections(34) which engage the lateral sides of the sanding pad to secure it in place. While no projections extend from the ends of the L-shaped cross-sections, it is known in the wiping implement art, as taught by Vosbikian, to provide such projections(19) to aid in securing the pad to the support by piercing the sides of the deformable pad in the region of it's grooves. To provide such projections on the ends of the L-shaped retaining means in Johnston to aid in securing the pad against inadvertent pullout would have been obvious in view of Vosbikian. With regard to claim 11, the handle of Johnston may be regarded as pole shaped. With regard to claim 19, the pad of Johnston comprises two materials: the sanding surface, and the underlying shaped deformable support.

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4. Claims 2, and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Johnston in view of Vosbikian and further in view of Beaudry et al. To make the sanding pad of a resilient open-celled foam product such as polyurethane to allow the tool to better conform to the shape of the work surfaces for improved removal would have been obvious in view of Beaudry et al.

5. Claims 5-6, and 14-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Johnston in view of Vosbikian and further in view of Pascallon(French No. 2620367). To make the various sanding surfaces of Johnston with different sanding characteristics for selective use of portions of the tool depending upon the condition of the work surface would have been obvious in view of Pascallon.

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Walsh is cited of interest to show a hand-held sanding sponge with a backing plate having retaining means which engage the side surfaces of the sanding pad. Long et al is cited to show a deformable pad having a pair of grooved sides.

7. Any inquiry concerning this communication should be directed to Robert Rose at telephone number (703) 308-1360.

rr

September 28, 2004.



ROBERT A. ROSE
PRIMARY EXAMINER
ART UNIT 323